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10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

12 KENNETH GOMES,) CIVIL NO. 1:23-cv-00478-SKO
13 Plaintiff,)
14 v.) **STIPULATION AND UNOPPOSED**
15 KILOLO KIJAKAZI,) **MOTION TO VOLUNTARY REMAND**
Acting Commissioner of Social Security,) **PURSUANT TO SENTENCE FOUR OF**
16 Defendant.) **42 U.S.C. § 405(g) AND TO ENTRY OF**
17) **JUDGMENT; ORDER**
(Doc. 11)

18
19 IT IS STIPULATED by and between Plaintiff (“Plaintiff”) and Defendant Kilolo
20 Kijakazi, Acting Commissioner of Social Security (“Defendant”), through their undersigned
21 counsel of record, that the above-entitled action shall be remanded to the Commissioner of
22 Social Security for further administrative proceedings.

23 Upon remand, the Appeals Council will remand the case to an Administrative Law
24 Judge (ALJ) to develop the administrative record as necessary, offer Plaintiff a new hearing,
25 and issue a new decision with evaluation of Plaintiff’s symptoms in accordance with 20 C.F.R.
26 § 416.929 and Social Security Ruling 16-3p. The parties further request that the Court direct the
27 Clerk of the Court to enter a final judgment in favor of Plaintiff, and against Defendant,
28

STIPULATION TO REMAND; ORDER

1 reversing the final decision of the Commissioner. The parties agree that reasonable attorney fees
2 will be awarded under the Equal Access to Justice Act, 28 U.S.C. § 2412, upon proper request
3 to the Court.

4 This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the
5 Social Security Act, 42 U.S.C. 405(g).
6

7 Dated: May 17, 2023

/s/ Francesco Paulo Benavides*

8 Francesco Paulo Benavides
9 Attorney for Plaintiff

*Authorized via e-mail on May 16, 2023

10 PHILLIP A. TALBERT
11 United States Attorney
12 MATHEW W. PILE
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15 By: /s/ Heidi L. Triesch

16 HEIDI L. TRIESCH
17 Special Assistant United States Attorney
18 Attorneys for Defendant

19 **ORDER**

20 Based upon the parties' Stipulation and Unopposed Motion to Voluntary Remand
21 Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment ("Stipulation to
22 Remand") (Doc. 11), and for cause shown, **IT IS ORDERED** that the above-captioned action is
23 remanded to the Commissioner of Social Security for further proceedings pursuant to the fourth
24 sentence of Section 205(g) of the Social Security Act, 42 U.S.C. 405(g).

25 The Clerk of Court shall enter a final judgment in favor of Plaintiff, and against Defendant,
26 vacating and reversing the final decision of the Commissioner and thereafter close this case.

27 IT IS SO ORDERED.

28 Dated: May 22, 2023

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE